

RESOLUTION NO. 05-12

A RESOLUTION OF THE DELTA PROTECTION COMMISSION ACCEPTING BOUNDARIES FOR UNINCORPORATED TOWNS IN THE SACRAMENTO-SAN JOAQUIN DELTA IN ACCORDANCE WITH PUBLIC RESOURCES CODE SECTION 29728

WHEREAS, pursuant to the Delta Protection Act, Public Resources Code sections 29700 et seq. and the Delta Reform Act, Water Code sections 85000 et seq., the Delta Protection Commission has certain land use regulatory authority over the Primary Zone of the Sacramento-San Joaquin Delta;

WHEREAS, the Primary Zone is defined by Public Resources Code section 29728 to include delta land and water area situated within the boundaries of the delta (as described in Section 12220 of the Water Code) that is “not within either the urban limit line or sphere of influence line of any local government’s general plan or currently existing studies, as of January 1, 1992.”;

WHEREAS, the Sacramento-San Joaquin Delta contains a number of unincorporated communities, and, with respect to unincorporated communities in Yolo County and Sacramento County, the general plans or other studies in existence as of January 1, 1992 (attached as Exhibit A hereto) do not clearly define either an urban limit line or sphere of influence line for those unincorporated communities so as to be able to identify precise boundaries for those portions of the unincorporated communities that are within the Primary Zone;

WHEREAS, the Primary Zone is further defined in Public Resources Code Section 29728 with reference to a map titled “Delta Protection Zones” on file with the State Land Commission attached as Exhibit B hereto, which map was prepared prior to the advent of current Geographic Information System mapping technologies, does not follow established property boundary lines and has generally been determined to be sufficiently unclear with respect to unincorporated communities as to not be useful;

WHEREAS, the Delta Reform Act of 2009 directed the Delta Stewardship Council to develop a Delta Plan that covers certain land uses in the Delta; therefore to minimize overlapping jurisdictions, and to be consistent in recognizing the boundaries of the unincorporated towns in the Primary Zone of the Delta, it is necessary for the Delta Protection Commission to clarify the boundaries of the Primary Zone with respect to unincorporated communities; and

WHEREAS, with respect to unincorporated communities in Yolo County and Sacramento County, the Delta Protection Commission intends to accept current zoning maps for those counties to define the Primary Zone boundaries referenced in Public Resources Code section 29728;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Delta Protection Commission as follows:

1. That certain Yolo County Zone file # 2000-005 2001 Land Use Map for the Clarksburg Community attached as Exhibit C hereto shall be deemed to define the boundary of the Primary Zone for the unincorporated community of Clarksburg in Yolo County for purposes of Public Resources Code section 29728.

2. Those certain 2011 Legacy Community Maps for the Sacramento-San Joaquin Delta attached as Exhibit D hereto shall be deemed to define the boundary of the Primary Zone for the unincorporated communities in Sacramento County of Hood, Courtland, Locke, Walnut Grove and Ryde, for purposes of Public Resources Code section 29728.
3. The Delta Protection Commission Executive Director is hereby authorized and directed to take such other actions as necessary or appropriate to reflect this clarification of Public Resources Code section 29728.

PASSED AND ADOPTED by the Governing Board of the Delta Protection Commission on the ___ day of _____, 2012 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chair, Delta Protection Commission

Attest:

Secretary